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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/510,108	10/04/2004	Joakim Norrgard	1505-1007-1	5080
466	7590	11/09/2007		
YOUNG & THOMPSON 745 SOUTH 23RD STREET 2ND FLOOR ARLINGTON, VA 22202			EXAMINER NAUROT TON, JOAN	
			ART UNIT 2154	PAPER NUMBER
			MAIL DATE 11/09/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/510,108

Applicant(s)

NORRGARD ET AL.

Examiner

Joan B. Naurot Ton

Art Unit

2154

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 October 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 14-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 14-26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>12/29/2004</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This first office action is in response to Application number 10/510108, filed on 10/04/2004.

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claim 24 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 24, the use of e.g. is deemed to be indefinite language.

Claim Rejections - 35 USC § 101

1. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 20 and 21 are rejected because the claimed invention is directed to non-statutory subject matter.

Regarding claim 20 and 21, the claim is directed to software that is not *embodied* on a computer readable *storage* medium. Instead, the specification states on P 12, lines 23-29 that the program can be loaded from the Internet, implying that carrier waves are involved. Carrier waves are in a non-statutory category. Claim 20 is directed

towards software is merely loadable to a medium but not *embodied* on the *storage* medium.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 14-17, 19-24, and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Clark et al (US patent 6131117), hereinafter referred to as Clark, in view of Diebboll et al (US patent 5886643), hereinafter referred to as Diebboll.

Regarding claims 14, 20, and 22:

method, (Claim 1) resource manager, (console or management station, abstract) and computer program (Claim 21, line 66 "application tool") for creating a map of available physical resources on the interface level within an IP network, (abstract, "IP map of the network" with respect to the resources. Abstract.) performing the steps of: -combining (303) a topology map of said IP network with resource information that comprises information about identities of logical addresses and quantity of logical addresses. (Col 5, lines 8-10). Clark discloses all the limitations as disclosed except for the method is characterised in the further step of: performing (304) a mapping between said logical addresses and a physical interface within said IP network.

Dieboll discloses the method is characterised in the further step of:
performing (304) a mapping between said logical addresses and a physical interface within said IP network. (Col 11, lines 1-10)

The general concept of providing is well known in the art as illustrated by Dieboll who discloses performing a mapping between said logical addresses and a physical interface within said IP network in a network topology method.

It would have been obvious for one of ordinary skill in the art at the time of the invention to modify Clark to include the use of performing a mapping between said logical addresses and a physical interface within said IP network in his advantageous method as taught by Dieboll in order to improve network topology methods.

Regarding claims 15 and 23:

Clark discloses the method, resource manager and means for the following, wherein the topology map is obtained by a topology aware resource manager. (Col 4, lines 41-41, and 46-51)

Regarding claims 16 and 24:

Clark discloses the method, resource manager and means for wherein the mapping is performed by collecting information from network elements, e.g. routers by using SNMP. (Col 4, lines 5-12 disclose that the network view which can be thought of as a map is provided by routers using SNMP)

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Regarding claim 17:

Clark discloses the method wherein said mapping is performed by a resource manager. (Col 4, line 43-46 discloses that the console, which is the resource manager and which also uses SNMP line 55, provides a map of the network.)

Regarding claim 21:

Clark discloses a computer program product stored on a computer usable medium, comprising readable program for causing a processing means within an IP network to control the execution of the steps of claim 14. (Claim 21, lines 66 "application tool", and Col 5, lines 65 and Col 6 lines 1-8 discloses the memory and software processes.)

4. Claims 19 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Clark and Diebboll in view of Tseng (US Patent 6119159) et al, hereinafter referred to as Tseng.

Regarding claims 19 and 26:

Clark discloses all the limitations as disclosed except for specifying that the logical address is an IP address.

Tseng discloses the limitation wherein said logical address is an IP address. ("logical Internet Protocol IP address" , Col 7, lines 15-16)

The general concept of providing a logical address which is an IP address is well known in the art as illustrated by Tseng who discloses a logical address which is an IP address in a network management system and method.

It would have been obvious for one of ordinary skill in the art at the time of the invention to modify Clark to include the use of specifying that a logical address is an IP address in his advantageous method as taught by Tseng in order to improve network management systems and methods.

5. Claims 18 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Clark and Diebboll in view of Takashima (US patent 6985960) et al, hereinafter referred to as Takashima.

Regarding claims 18 and 25:

Clark discloses all the limitations as disclosed except for the method and resource manager wherein said resource manager is implemented within a router or a server.

Takashima discloses the method (Claim 11, in which the information is stored in a device which transmits information which can be thought of as a server) and resource manager wherein said resource manager is implemented within a router or a server.

(Claim 3)

The general concept of providing a method and resource manager wherein said resource manager is implemented within a router or a server is well known in the art as illustrated by Takashima who discloses a resource manager, which is implemented within a router or a server.

It would have been obvious for one of ordinary skill in the art at the time of the invention to modify Clark to include the use of a resource manager, which is implemented within a router, or a server in his advantageous method as taught by Takashima in order to improve network mapping systems and methods.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joan B. Naurot Ton whose telephone number is 571-270-1595. The examiner can normally be reached on M-Th 9 to 6:30 (flex sched) and alt Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan Flynn can be reached on 571-272-1915. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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JBNT

10/15/2007



NATHAN FLYNN
SUPERVISORY PATENT EXAMINER